

**Amendment and Response**

Applicant: Alexander C. Ranous et al.

Serial No.: 09/559,693

Filed: April 27, 2000

Docket No.: 10002147-1

Title: INTERNET USAGE DATA RECORDING SYSTEM AND METHOD EMPLOYING DISTRIBUTED DATA PROCESSING AND DATA STORAGE

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**REMARKS**

This Response is responsive to the Office Action mailed January 20, 2004. Claims 11-20 and 31-35 have been withdrawn from consideration. Claims 1-8, 21-27, and 36-39 were rejected. Claims 1-8, 21-27, and 36-39 remain pending in the application and are presented for reconsideration and allowance.

**Claim Rejections under 35 U.S.C. § 102**

Claims 1-8, 21-27, 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 5,963,914 issued to Skinner et al. (hereinafter "Skinner"). Applicant submits that the Skinner reference fails to disclose the invention of independent claim 1.

Independent claim 1 recites a network usage system having a multiple level distributed data storage system. The system comprises a set of first level network data collectors and a second level network data collector. Each first level network data collector receives network accounting data from a network data source, processes and stores the network accounting data at the first level network data collector. The second level data collector receives processed network accounting data from one or more first level network data collectors, processes and stores the network accounting data at the second level network data collector.

Skinner discloses a system for analyzing and documenting time and work expended by a user on a computer. (Col. 7, lines 9-12). The system 100 includes two software modules. A first module includes data collection and analysis functions, such as watching "every key stroke that comes in from the keyboard 102." (Col. 7, lines 39-53; and Col. 8, lines 16-17). The second module is a filter that watches each keystroke and mouse click and tracks which file is actually being used. (Col. 8, lines 36-56).

Applicants submit that Skinner does not disclose **the network usage system having a multiple level distributed data storage system** of independent claim 1. Skinner further fails to disclose **a set of first level network data collectors, wherein each first level network data collector receives network accounting data from a network data source, processes and stores the network accounting data at the first level network data collector.** Further yet, claim 1 recites **a second level network data collector, wherein the second level**

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**network data collector receipt is processed, network accounting data from one or more first level network data collectors, processes and stores the network accounting data at the second level data collector.** Skinner does not teach or suggest these claimed recitations. The multiple level distributed data storage system of independent claim 1 is not disclosed in Skinner. Applicants respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 2-8 depend directly or indirectly upon independent claim 1. Accordingly, dependent claims 2-8 are also allowable over the art of record.

Skinner also does not teach or suggest the claimed recitations in independent claim 21. Claim 21 recites a method for recording network usage including storing network data in a multiple level data storage system. The method includes defining a set of first level network data collectors. A first set of network accounting data is received at each first level network data collector. The first network accounting data set is processed and stored at the first level network data collector. A second level network data collector is defined. The first network accounting data set from one or more first level network data collectors is received. The first network accounting data set is processed to produce a second network accounting data set. The second network accounting data set is stored at the second level network data collector. Skinner does not teach or suggest these claimed recitations. Applicants respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 22-29 depend either directly or indirectly upon independent claim 21. Accordingly, these dependent claims are allowable over the art of record.

Skinner also does not teach or suggest the claimed recitations in independent claim 36. Claim 36 recites a method for recording network usage including storing network data in a multiple level data storage system. The method includes defining a set of first level network data collectors. A first set of network usage information is received at each first level network data collector. The first network usage information set is processed and stored at the first level network data collector. A second level network data collector is defined. The first network usage information set is received at the second level network data collector from one or more first level network data collectors. The first network usage information set is processed to produce a second network usage information set. The second network usage

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information set is stored at the second level network data collector. Skinner does not teach or suggest these claimed recitations. Applicant's respectfully submit that the above rejection under 35 U.S.C. § 102(e) should be withdrawn.

Dependent claims 37-39 depend either directly or indirectly upon independent claim 36. Accordingly, these dependent claims are allowable over the art of record.

**Claim Rejections under 35 U.S.C. § 103**

Claims 9-10, 28-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Skinner et al. U.S. Patent No. 5,5963,914 in view of Dyer et al. U.S. Patent No. 4,361,877. Dependent claims 9-10 and 28-29 depend either directly or indirectly upon corresponding independent claims 1 and 21. Accordingly, the dependent claims are allowable over the art of record.

**Allowable Subject Matter**

In light of the above, Applicant believes independent claims 1, 21, and 36 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

**CONCLUSION**

Any inquiry regarding this Amendment and Response should be directed to either Philip S. Lyren Telephone No. (281) 514-8236, Facsimile No. (281) 514-8332 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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**CERTIFICATE UNDER 37 C.F.R. 1.8:** The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail, in an envelope address to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 13 day of April, 2004.

By Steven E. Dicke  
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